

MARC A. PILOTIN  
Regional Solicitor  
BORIS ORLOV  
Counsel for Wage and Hour  
JENNIFER STA.ANA (Cal. Bar No. 307977)  
Trial Attorney  
UNITED STATES DEPARTMENT OF LABOR  
Office of the Solicitor  
90 7th Street, Suite 3-700  
San Francisco, CA 94103-1516  
Telephone: (415) 625-7767  
staana.jennifer.l@dol.gov

*Attorneys for Plaintiff Martin J. Walsh,  
United States Secretary of Labor*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MARTIN J. WALSH,  
Secretary of Labor,  
United States Department of Labor,  
  
Plaintiff,  
  
v.

Case No. 2:22-CV-00756-WBS-KJN

**JOINT STIPULATION AND ORDER  
FOR PRELIMINARY INJUNCTION**

CHE GARIBALDI dba TAQUERIA GARIBALDI,  
a California corporation; EDUARDO  
HERNANDEZ, an individual; HECTOR  
MANUAL MARTINEZ GALINDO, an individual;  
and ALEJANDRO RODRIGUEZ, an individual,  
  
Defendants.

1 To avoid the need for and expense of a hearing on Plaintiff's Motion for a Preliminary  
2 Injunction, Defendants hereby stipulate to the entry of the following Preliminary Injunction.  
3 Plaintiff agrees that, upon the entry of this Stipulated Preliminary Injunction, he will withdraw  
4 his Motion for a Preliminary Injunction. This stipulated injunction shall not be treated as  
5 Defendants admitting to the Secretary's retaliation allegations.

6 **STIPULATED PRELIMINARY INJUNCTION**

7 Defendants Che Garibaldi dba Taqueria Garibaldi, Eduardo Hernandez, Hector Manual  
8 Martinez Galindo, and Alejandro Rodriguez ("Defendants"), along with their agents, attorneys,  
9 employees, are hereby enjoined as follows:

10 1. From terminating or threatening to terminate any employee, or retaliating or  
11 discriminating against any employee in any other way, because such employee spoke or was  
12 perceived to have spoken with a representative of the U.S. Department of Labor, or otherwise  
13 cooperated or perceived to have cooperated with a U.S. Department of Labor investigation or  
14 this litigation;

15 2. From threatening to contact or contacting immigration authorities; from indicating  
16 another will or has contacted immigration authorities; or from asking about any employee's  
17 immigration status because such employee spoke or was perceived to have spoken with a  
18 representative of the U.S. Department of Labor, or otherwise cooperated or perceived to have  
19 cooperated with a U.S. Department of Labor investigation or this litigation;

20 3. From telling any of Defendants' employees not to speak to representatives of the  
21 U.S. Department of Labor or to provide false information to the U.S. Department of Labor  
22 regarding the terms and conditions of their employment;

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1           4.       From failing to provide by August 15, 2022 the following notice to employees in  
2 both English and Spanish:

3           You are protected by the Fair Labor Standards Act and have the right to  
4 participate freely in the U.S. Department of Labor's litigation against  
5 Taqueria Garibaldi regarding your employer's pay practices. You have  
6 the right to speak freely with investigators and attorneys or other officials  
7 from the Department of Labor. Your employer must not retaliate against  
8 you in any way because you spoke with the Department of Labor.

9           Taqueria Garibaldi and its owners have agreed and the U.S. District Court  
10 has ordered that Taqueria Garibaldi and all its owners and managers do  
11 not retaliate against, threaten to retaliate against, intimidate, or attempt to  
12 influence or in any way threaten employees for providing information to  
13 the Department of Labor or participate in the litigation as a witness. Your  
14 employer cannot threaten to contact or contact immigration authorities;  
15 inform you that another will or has contacted immigration authorities; or  
16 ask about any employee's immigration status because such employee  
17 spoke or was perceived to have spoken with a representative of the U.S.  
18 Department of Labor, or otherwise cooperated or perceived to have  
19 cooperated with a U.S. Department of Labor investigation or this  
20 litigation.

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22           Usted está protegido por la Ley de Normas Laborales Justas y tiene derecho a  
23 participar libremente en el litigio del Departamento de Trabajo de los Estados  
24 Unidos contra Taquería Garibaldi con respecto a las prácticas salariales de su  
25 empleador. Usted tiene el derecho de hablar libremente con investigadores y  
26 abogados o otros funcionarios del Departamento de Trabajo. Su empleador no  
27 puede tomar represalias contra usted de ninguna manera por haber hablado con el  
28 Departamento de Trabajo.

          Taquería Garibaldi y sus propietarios han acordado y el Tribunal de Distrito de  
los Estados Unidos ha ordenado que Taquería Garibaldi y todos sus propietarios y  
gerentes no tomen represalias, amenazan con tomar represalias, intimidan o  
intentar influir o amenazar de alguna manera a los empleados por proporcionar  
información al Departamento de Trabajo o participar en el litigio como  
testigo. Su empleador no puede amenazar con contactar o contactar a las  
autoridades de inmigración; informarle que otra persona se comunicará o se ha  
puesto en contacto con las autoridades de inmigración; o preguntar sobre el  
estatus migratorio de cualquier empleado porque dicho empleado habló o se  
percibió que había hablado con un representante del Departamento de Trabajo de  
los Estados Unidos, o de otra manera cooperó o percibió haber cooperado con una  
investigación del Departamento de Trabajo de los Estados Unidos o este litigio.

1           5.       Defendants will provide by August 15, 2022 a list to the U.S. Department of  
2 Labor of all the employees that were provided the notice specified in Paragraph 4;

3           6.       Defendants will post at (a) 1841 Howe Avenue, Sacramento, California 95825  
4 (“Howe restaurant”); (b) 3425 El Camino Avenue, Sacramento, California 95821 (“El Camino  
5 restaurant”); and (c) 10000 Fairway Drive #110, Roseville, California 95678 (“Roseville  
6 restaurant”) a hard copy of the statement included in Paragraph 4, in both English and Spanish,  
7 as well as the contact information for representatives of the U.S. Department of Labor: (a) Wage  
8 and Hour Division investigator Raquel Alfaro (916) 607-6014 and (b) Wage and Hour Division  
9 Assistant District Director Patricia Canites (916) 792-5690;


10          7.       In any meeting with Defendants’ employees that is specifically regarding this  
11 litigation, Defendants and/or their attorneys shall notify the employees of the following: (a)  
12 information about the instant lawsuit, including the time period it covers; (b) that the U.S.  
13 Department of Labor alleges that the employees are owed back wages; (c) that the employees  
14 have a right to refuse to speak to both the U.S. Department of Labor and Defendants’ counsel;  
15 (d) that Defendants will not discriminate or retaliate against any employee who participates in  
16 the case or chooses not to speak to Defense counsel; and (e) that signing a declaration prepared  
17 by Defendants or their counsel may adversely affect the employees’ wage claims. Further,  
18 Defendants’ employees must be informed the meeting is voluntary, be offered a neutral witness,  
19 be permitted to leave, and be provided copies of any declarations signed. Until the Court  
20 adjudicates the parties’ dispute regarding the informer’s privilege, Defendants’ employees’  
21 contacts with the U.S. Department of Labor may not be inquired into and employees should be  
22 informed that they are not to divulge any information regarding their conversations with the U.S.  
23 Department of Labor; and

24          8.       Defendants shall comply with the Fair Labor Standards Act’s recordkeeping  
25 provisions under Sections 11(c) and 15(a)(5) and shall not maintain false information in records that  
26 Defendants are required to maintain by law. Defendants shall maintain accurate records of hours  
27 worked and implement a reliable timekeeping system for each employee to record her/his/their own  
28 daily start and stop times that employees may use to clock in at the start of the work day and out at

1 the end of the work day. Defendants shall maintain accurate and complete records of all wages paid  
2 to each of their employees each pay period, including gross wages, deductions, and net pay.  
3 Defendants shall not pay wages to any employees through non-payroll accounts.  
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5 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The August 18, 2022  
6 hearing date is VACATED.

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8 Dated: August 4, 2022

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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27 **SO STIPULATED AND AGREED:**  
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1 Dated:

FISHER & PHILIPPS LLP

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Alden J. Parker, Esq.  
Marco A. Rodriguez, Esq.

5 *Attorney for Defendants Che Garibaldi dba*  
6 *Taqueria Garibaldi, Eduardo Hernandez, Hector*  
7 *Manuel Martinez Galindo, Alejandro Rodriguez*

8 Dated:

U.S. DEPARTMENT OF LABOR

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11 Jennifer L. Sta.Ana, Esq.

12 *Attorney for Plaintiff Martin J. Walsh,*  
13 *United States Secretary of Labor*  
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